

**§ 2389. Status and benefits of personnel assigned or detailed to foreign governments or international organizations**

**(a) Allowances, privileges, rights, seniority, and other benefits**

Any officer or employee, while assigned or detailed under section 2387 or 2388 of this title shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this chapter.

**(b) Representation allowances**

Any officer or employee assigned, detailed, or appointed under section 2387, 2388, 2391, or 2384(d)<sup>1</sup> of this title is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 4085 of this title. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5.

(Pub. L. 87-195, pt. III, § 629, Sept. 4, 1961, 75 Stat. 452; Pub. L. 87-565, pt. III, § 302(d), Aug. 1, 1962, 76 Stat. 262; Pub. L. 90-137, pt. III, § 302(f), Nov. 14, 1967, 81 Stat. 460; Pub. L. 96-465, title II, § 2203(b), Oct. 17, 1980, 94 Stat. 2159.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 2384(d) of this title, referred to in subsec. (b), was repealed by Pub. L. 95-88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-465 substituted “section 4085 of this title” for “section 1131 of this title”.

1967—Subsec. (b). Pub. L. 90-137 substituted reference to section 5536 of title 5 for former section 70 of title 5.

1962—Subsec. (b). Pub. L. 87-565 substituted “2384(d)” for “2384(e)”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

**§ 2390. Terms of detail or assignment of personnel**

Details or assignments may be made under section 2387 or 2388 of this title or section 1928 of this title—

<sup>1</sup> See References in Text note below.

(1) without reimbursement to the United States Government by the foreign government or international organization;

(2) upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this chapter; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this chapter, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with section 2389 of this title.

(Pub. L. 87-195, pt. III, § 630, Sept. 4, 1961, 75 Stat. 452; Pub. L. 89-171, pt. III, § 302(e), Sept. 6, 1965, 79 Stat. 660.)

REFERENCES IN TEXT

This chapter, referred to in par. (3), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1965—Pub. L. 89-171 inserted “benefits” in pars. (2) and (4).

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

**§ 2391. Missions and staffs abroad**

**(a) Authorization**

The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this chapter. Each such special mission or staff shall be under the direction of a chief.

**(b) Appointment of mission chief and deputy; compensation**

The chief and his deputy of each special mission or staff carrying out the purposes of subchapter I of this chapter shall be appointed by the President, and may, notwithstanding any other law, be removed by the President at his discretion. Such chief shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not to exceed those authorized for a chief of mission (as defined in section 102(a)(3)<sup>1</sup> of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate.

**(c) Appointment of Chairman of Development Assistance Committee; compensation**

The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not to exceed those authorized for a chief of mission (as defined in section 102(a)(3)<sup>1</sup> of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate. Such person (if not a United States Government employee who is assigned to serve as Chairman) shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 87, and 89 of title 5. Such person may also, in the President's discretion, receive any other benefits and perquisites available under this chapter to chiefs of special missions or staffs outside the United States established under this section.

**(d) Administration of assistance**

Wherever practicable, especially in the case of the smaller programs, assistance under subchapter I of this chapter shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission.

(Pub. L. 87-195, pt. III, § 631, Sept. 4, 1961, 75 Stat. 453; Pub. L. 88-205, pt. III, § 302(d), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89-171, pt. III, § 302(f), Sept. 6, 1965, 79 Stat. 660; Pub. L. 95-92, § 7(c), Aug. 4, 1977, 91 Stat. 617; Pub. L. 96-465, title II, § 2203(c), (d), Oct. 17, 1980, 94 Stat. 2159.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Foreign Service Act of 1980, referred to in subsecs. (b) and (c), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to

chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Section 102(a)(3) of that Act, referred to in subsecs. (b) and (c), was redesignated section 102(3) pursuant to Pub. L. 98-164, which struck out designation "(a)" and struck out subsec. (b) of section 102.

## REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

## AMENDMENTS

1980—Subsec. (b). Pub. L. 96-465, § 2203(c), among other changes, substituted references to the Foreign Service Act of 1980 for references to the Foreign Service Act of 1946 and section 2385(d) of this title.

Subsec. (c). Pub. L. 96-465, § 2203(d), among other changes, substituted references to the Foreign Service Act of 1980, for references to the Foreign Service Act of 1946, and inserted provisions relating to employee status for purposes of chapters 81, 83, 87 and 89 of title 5.

1977—Subsec. (d). Pub. L. 95-92 substituted reference to subchapter I of this chapter for reference to this chapter and struck out provisions requiring administration of assistance by the senior military officer of the mission for assistance under subchapter II of this chapter.

1965—Subsec. (d). Pub. L. 89-171 added subsec. (d).

1963—Subsec. (c). Pub. L. 88-205 added subsec. (c).

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

## DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

## FLAG AND GENERAL OFFICERS

Pub. L. 94-11, title I, § 100, Mar. 26, 1975, 89 Stat. 20, provided in part that: "The total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975."

## APPROVAL OF SECRETARY OF STATE

The maintenance of special missions or staffs abroad, the fixing of ranks of chiefs thereof after the chiefs of United States diplomatic missions, and authorization of same compensation and allowances as chief of mission, as defined in section 3902(3) of this title, all under this section, shall be subject to approval of Secretary of State, see section 1-603 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

**§ 2392. Government agencies****(a) Allocation and transfer of funds**

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the

<sup>1</sup> See References in Text note below.